

GOLIGHTLY & VANNAH, PLLC  
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Nevada Bar No. 002503  
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6 *Attorneys for Plaintiff*

7 **UNITED STATES DISTRICT COURT**  
8 **FOR THE DISTRICT OF NEVADA**

9 GOLIGHTLY & VANNAH, PLLC,

10 Plaintiff,

11 vs.

12 HAL HAMLETT, an individual; JESSICA  
13 HAMLETT, an individual; JAIDYN HAMLETT,  
a minor; JONATHAN HOLLAND, a minor;  
14 REGIONAL EMERGENCY MEDICAL  
SERVICE AUTHORITY; CHRISTIAN  
15 PURGASON, D.O., dba NORTHERN NEVADA  
EMERGENCY PHYSICIANS; TJ ALLEN, LLC;  
16 RENOWN REGIONAL MEDICAL CENTER;  
17 RENO ORTHOPAEDIC CLINIC, LTD., DR.  
CHRISTENSEN; RENO RADIOLOGICAL  
18 ASSOCIATES, CHARTERED; ROBERT G.  
BERRY, JR., M.D. PROFESSIONAL  
19 CORPORATION dba ORTHOPEDIC  
REHABILITATION SPECIALISTS OF NV;  
20 UNIVERSAL SERVICES, INC.; OPERATING  
21 ENGINEERS FUNDS, INC. dba OPERATING  
ENGINEERS HEALTH & WELFARE TRUST  
22 FUND; DOE Defendants I through X; ROE  
23 CORPORATION Defendants XI through XX,

24 Defendants.

CASE NO.: 3:16-cv-00144-MMD-VPC

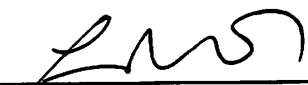
**REPLY TO OPPOSITION TO MOTION  
TO AMEND COMPLAINT**

25 COMES NOW, Plaintiff, GOLIGHTLY & VANNAH, PLLC, by and through its attorneys,  
26 ROBERT D. VANNAH, ESQ., and L. DIPaul MARRERO II, ESQ., and hereby files its Reply to  
27 Defendant Northern Nevada Operating Engineers Health and Welfare Trust Fund's Opposition to  
28 Plaintiff's Motion To Amend Complaint. This Reply is made pursuant to Federal Rule of Civil

1 Procedure 15, the accompanying memorandum of Points and Authorities, the pleadings and  
2 documents on file herein, and any oral argument at the hearing on the matter.

3 Dated this 25 day of July, 2016.

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5 GOLIGHTLY & VANNAH, PLLC

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8 L. DIPAUT MARRERO II, ESQ.  
9 5555 S. Kietzke Lane, Suite 150  
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11 *Attorneys for Plaintiff*

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**MEMORANDUM OF POINTS AND AUTHORITIES**

**I.**

**ARGUMENT**

**A. The Law in the Ninth Circuit is Clear, Leave To Amend Shall Be Freely Given:**

As Defendant Northern Nevada Operating Engineers Health & Welfare Trust Fund (hereinafter "Northern Nevada") is well aware, in the Ninth Circuit, the consideration of prejudice to the opposing party carries the greatest weight in determining whether to grant leave to amend a Complaint. DCD Programs, Ltd. v. Leighton, 833 F.2d 183, 185 (9<sup>th</sup> Cir. 1987). Absent prejudice, or a strong showing of any of the remaining Foman v. Davis<sup>1</sup> factors, there exists a presumption under Rule 15(a) in favor of granting leave to amend. The party opposing amendment bears the burden of showing prejudice. Id.

Northern Nevada has not claimed any prejudice as to Plaintiff's Motion to Amend Complaint, because it cannot. Defendant Northern Nevada's claim is related to Defendant Hal Hamlett's medical treatment, its payment for some of that treatment, and Hal Hamlett's personal injury settlement. Plaintiff's Motion to Amend Complaint relates solely to a claimant to Jessica Hamlett's personal injury settlement. Whether an additional party is added to this action related to Jessica Hamlett's personal injury settlement, cannot either benefit nor harm Northern Nevada, because its claim to Hal Hamlett's personal injury settlement is independent of those claims to Jessica Hamlett's personal injury settlement. Northern Nevada agreed that Plaintiff could amend its Complaint in the Stipulation it signed on June 9, 2016. Northern Nevada opposed Plaintiff's Motion to amend its Complaint on July 15, 2016.

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<sup>1</sup> Foman v. Davis, 371 U.S. 178, 83 S.Ct. 227, 9 L.Ed.2d 222 (1962) (holding that absent undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficient by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of amendment, etc., the leave sought should, as the rules require, be freely given.)

Plaintiff will also note that it was not even clear to Defendant Renown Regional Medical Center at the time of the filing of Plaintiff's Complaint as to whether they were in fact entitled to make a claim to the settlement proceeds from Jessica Hamlett's personal injury settlement, evidenced by their retaining counsel and filing an Answer to Plaintiff's Complaint in Interpleader. Good cause exists to grant Plaintiff's Motion to Amend Complaint. Absent amendment of Plaintiff's Complaint to bring in The Rawlings Company, LLC, Plaintiff anticipates The Rawlings Company, LLC will seek to intervene in this action in order to assert its rights.

### III.

### CONCLUSION

No party will suffer any material prejudice by granting Plaintiff leave to amend its Complaint. The Rawlings Company, LLC is on notice of this interpleader action and has informed Plaintiff that they intend to move to intervene in this matter absent an Order granting Plaintiff leave to amend its Complaint. Not granting Plaintiff leave to amend will only serve to delay these proceedings, which lamentably already have been delayed due to multiple parties failure to attend the Court ordered settlement conference on July 11, 2016. Therefore, Plaintiff respectfully requests for an Order from this Court granting Plaintiff's Motion.

DATED this 25 day of July, 2016.

GOLIGHTLY & VANNAH, PLLC

  
L. DIPAUl MARRERO II, ESQ.

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**CERTIFICATION OF SERVICE**

Pursuant to FRCP 5, I certify that on this date, I served the foregoing **REPLY TO OPPOSITION TO MOTION TO AMEND COMPLAINT** on all parties to this action by:

\_\_\_\_ Facsimile

X Mail

Addressed as follows:

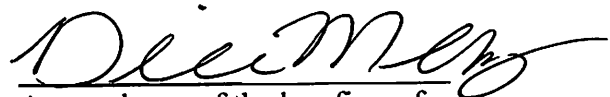
Trent L. Richards, Esq.  
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Services, Inc.*

Nathan M. Jenkins, Esq.  
1895 Plumas Street, Suite 2  
Reno, Nevada 89509  
*Attorneys for Defendant Northern  
Nevada Operating Engineers Health  
and Welfare Trust Fund*

Hal, Jessica, and Jaidyn Hamlett, and  
Jonathan Holland  
1150 E. Crystal Canyon Ct.  
Reno, Nevada 89508  
*Defendants in Proper Person*

TJ Allen, LLC  
1475 Terminal Way, A4  
Reno, Nevada 89502  
*Defendant*

Dated this 25 day of July, 2016.



An employee of the law firm of  
GOLIGHTLY & VANNAH, PLLC

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